

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

MICHAEL IZELL BROWN SEALS,

Petitioner,

vs.

GREG D. LEWIS,

Respondent.

No. C 13-3975 PJH (PR)

**ORDER FOR PETITIONER TO
SHOW CAUSE WHY THE
PETITION SHOULD NOT BE
DISMISSED**

Petitioner, a California prisoner currently incarcerated at Pelican Bay State Prison has filed a pro se petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254. Petitioner was sentenced on September 24, 2001. The court originally ordered petitioner to show cause why this case should be dismissed as untimely. That order was returned to the court as undeliverable and petitioner has since filed an amended complaint regarding the same conviction in 2001. Petitioner will again be ordered to show cause.

Petitions filed by prisoners challenging non-capital state convictions or sentences must be filed within one year of the latest of the dates on which: (1) the judgment became final after the conclusion of direct review or the time passed for seeking direct review; (2) an impediment to filing an application created by unconstitutional state action was removed, if such action prevented petitioner from filing; (3) the constitutional right asserted was recognized by the Supreme Court, if the right was newly recognized by the Supreme Court and made retroactive to cases on collateral review; or (4) the factual predicate of the claim could have been discovered through the exercise of due diligence. 28 U.S.C. § 2244(d)(1).

Petitioner argues that prior bad acts were improperly admitted in his 2001 trial. Petitioner shall show cause why this petition should not be dismissed as being untimely by many years.


CONCLUSION

1. Petitioner shall show cause by **December 16, 2013**, why this petition should not be dismissed as untimely. If he does not, the case will be dismissed.

2. The Clerk shall change the name on the docket and address all future filings to petitioner as **Michael Izell Brown Seals** to insure he receives his mail.¹

IT IS SO ORDERED.

Dated: November 14, 2013.



PHYLLIS J. HAMILTON
United States District Judge

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¹ Petitioner has filed dozens of cases under both names but it appears that mail addressed to "Michael Izell Brown" has difficulty reaching him.